

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN SENATE JUNE 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2091

Introduced by Assembly Member Conway

February 18, 2010

An act to add Section 6254.19 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as amended, Conway. Public records: information security.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure.

This bill would exempt from disclosure under the act the information security records of a public agency if, *on the facts of the particular case*, disclosure of those records would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.

The California Constitution requires a statute limiting the public's right of access to information concerning the public's business to be adopted with findings demonstrating the interest protected and the need for protecting that interest.

This bill would make a legislative finding to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6254.19 is added to the Government Code, to read:

6254.19. Nothing in this chapter shall be construed to require the disclosure of an information security record of a public agency, if, *on the facts of the particular case*, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. Nothing in this section shall be construed to limit public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this chapter or any other provision of law.

SEC. 2. The Legislature finds and declares that this act imposes a limitation on the public's right of access to writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following finding to demonstrate the interest protected by this limitation and the need for protecting that interest: The Legislature finds and declares that in order to protect the integrity of public agency information systems, it is necessary to limit the public's access to the information security records of a public agency.